

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Batch No.: G08

AFILANI, Thomas

Allowed: December 21, 1999

Serial No. 08/840,069

Atty. Ref.: 2299-4

Filed: April 24, 1997

Group: 2858

Examiner: T. Sundaram

For: SELECTIVE POLARIZATION MATCHING FILTER  
FOR TRIGGERING AND MAXIMIZING RAPID  
DIELECTROKINESIS RESPONSE

\* \* \* \* \*

March 21, 2000

Assistant Commissioner for Patents  
Washington, DC 20231

**MATCH & RETURN**

Sir:

**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**

This paper is being submitted with the payment of the Issue Fee as suggested in the Detailed Action of the Notice of Allowability attached to the Notice of Allowance.

In paragraph 5, the Notice of Allowability provides that "the independent claims 1, 19, 22 and 27 are deemed to be patentably distinct over prior art, since a polarization matching filter, encased in a filter housing with a specific structure, that generates an opposite polarization pattern from that of a to-be-detected entity has not been found to be disclosed in any other prior art reference. Therefore,

#12  
5/10/00  
J. Murphy

AFILANI, THOMAS

Serial No. 08/840,069

these claims, and their respective dependent claims, are deemed to be patentably distinct over prior art, and thus allowable.” In this context, however, the Notice of Allowability is incorporating unclaimed structure into the allowed claims. That is, claim 22 does not define a filter housing, and claim 27 relates to a method of manufacturing a selected polarization matching filter without requiring the claimed composition of material to be encased in a filter housing.

Although Applicant maintains that these claims are patentably distinct over the prior art of record, the statements in the Reasons for Allowance improperly incorporate unclaimed structure into at least claims 22 and 27.

Additionally, with respect to the references supplied in the Applicant’s Information Disclosure Statement, Applicant notes that the device was successfully demonstrated at the U.S. Patent and Trademark Office in an interview in a related application. A copy of the Interview Summary Record is attached.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: Alan M. Kagen

Alan M. Kagen

Reg. No. 36,178

AMK:jl

1100 North Glebe Road, 8th Floor

Arlington, VA 22201-4714

Telephone: (703) 816-4000

Facsimile: (703) 816-4100